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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
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10/824,562

04/15/2004

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FP-1172 US

6544

21254 7590 06/09/2008
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EXAMINER

CHEN, CHIA WEI A

ART UNIT

PAPER NUMBER

2622

MAIL DATE

DELIVERY MODE

06/09/2008

PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

DETAILED ACTION

Response to Arguments

1. Applicant's arguments filed 5/19/2008 have been fully considered but they are not persuasive.

Applicant argues with respect to claims 1 and 6 that combining the keyboard element from the fourth embodiment of Niikawa and the digital camera of the second embodiment teaches away from the claimed invention.

However, the Examiner asserts that Niikawa teaches the combination of connecting a digital camera to a computer (PC) via a connection interface 105 (col. 9, lines 56-59, Fig. 13). Therefore, it would have been reasonable to a person having ordinary skill in the art to combine the fourth embodiment of Niikawa with the second embodiment of Niikawa. The keyboard 63 of Niikawa is used for receiving operation information (i.e. correction table parameters) by an operator. Reading the claims in the broadest sense, receiving the operation information is construed to mean that the keyboard receives keypresses from the human operator.

Furthermore, Niikawa teaches operational members on the surface of the camera itself: a shutter button 9, power switch 14, four-gang switch 15, and switch group 16 (see col. 9, lines 50-53). These operational members also receive keypresses and button presses from a human operator and are interpreted by the operational part 101 to the general controller 150. These operational members also satisfy the

operating unit recited in claims 1 and 6 of the instant application. Therefore, the rejection is sustained.

Applicant further argues with respect to claims 1 and 6 that Niikawa in view of Matherson as modified by Suzuki does not teach a storage for storing the adjustment condition.

However, the Examiner asserts that Niikawa teaches a white balance circuit that adjusts the white balance of a captured image with the data from a level conversion table. Niikawa teaches that the level conversion table is inputted from the general controller (col. 8, lines 46-54). Although Niikawa does not explicitly state that the level conversion table is one of the correction tables stored in the ROM 151 and 153, it is easily understood that the level conversion table can be one of the plurality correction tables stored in shading ROM 13 which is provided in the general controller 150 (col. 8, lines 22-25). Therefore, the rejection is sustained.

Applicant moreover argues with respect to claims 1 and 6 that Niikawa's invention teaches away from the claimed invention regarding the storage of manual white balance adjustment calibration parameters to be stored in a stationary disk in the computer main body 21.

However, it would have been obvious to a person having ordinary skill in the art to combine the fourth embodiment of Niikawa with any of the other embodiments of Niikawa. The fourth embodiment of Niikawa merely teaches wherein a computer can be

used to perform the same functions of white balance and shading corrections in the place of the camera of the second embodiment of Niikawa.

The fourth embodiment of Niikawa teaches wherein the focal length and f-number of the camera at time of image captures is manually input. The CPU (i.e. controller) of the computer designates a correction table corresponding to this focal length and f-number. Likewise, in the second embodiment of Niikawa, the focal length and f-number of the camera may be manually selected and a correction table corresponding to the manually selected focal length and f-number is stored in shading ROM 153. The fourth embodiment of Niikawa is merely a more detailed description of the process that the camera undergoes at the factory. Cameras are typically calibrated at the factory and the correction tables are stored in memory (ROM 151, 153). The correction tables can then be manually selected by manually selecting a focal length and f-number of the camera before imaging. Therefore, the rejection is sustained.

Applicant further argues with respect to claims 1 and 6 that Niikawa and Matherson are a non-analogous system to the claimed controller.

In response to applicant's argument that Niikawa in view of Matherson is nonanalogous art, it has been held that a prior art reference must either be in the field of applicant's endeavor or, if not, then be reasonably pertinent to the particular problem with which the applicant was concerned, in order to be relied upon as a basis for rejection of the claimed invention. See *In re Oetiker*, 977 F.2d 1443, 24 USPQ2d 1443 (Fed. Cir. 1992). In this case, both Matherson and Niikawa both solve the problem of

generating shading correction factors for a particular image. Although Matherson does not expressly teach a controller performing the exact same functions, it is understood that the application specific integrated circuit (ASIC 106) calculates and performs shading (vignetting) correction in real time. To reiterate, Matherson discloses wherein correction factors can be generated at a time of imaging (calibration factors can be calculated from a characteristic plane after a white calibration image is taken; col. 3, lines 38-45). Therefore, the rejection is sustained.

Applicant moreover argues that Suzuki teaches away from the device of Niikawa and that one of ordinary skill in the art would not have combined Niikawa and Matherson with the teachings of Suzuki. Applicant argues that the keyboard 63 of Niikawa is not analogous with the automatic/manual white balance switch 120 of Suzuki.

In response to applicant's argument that Niikawa in view of Matherson is nonanalogous art, it has been held that a prior art reference must either be in the field of applicant's endeavor or, if not, then be reasonably pertinent to the particular problem with which the applicant was concerned, in order to be relied upon as a basis for rejection of the claimed invention. See *In re Oetiker*, 977 F.2d 1443, 24 USPQ2d 1443 (Fed. Cir. 1992). In this case, reading the claims in the broadest sense, the keyboard 63 is mentioned to indicate that a device connected to the camera receives keypresses from a human operator. The automatic/manual white balance switch of Suzuki also receives physical input from a human operator, with the additional functionality of

performing a selection between an automatic white balance operation and a manual white balance operation. Therefore the rejection is sustained.

Applicant further argues that combining the automatic/manual white balance switch 120 of Suzuki with Niikawa and Matherson changes the principle of operation.

In response to applicant's arguments against the references individually, one cannot show nonobviousness by attacking references individually where the rejections are based on combinations of references. See *In re Keller*, 642 F.2d 413, 208 USPQ 871 (CCPA 1981); *In re Merck & Co.*, 800 F.2d 1091, 231 USPQ 375 (Fed. Cir. 1986). Niikawa does not expressly teach a fully manual white balance adjustment operation. However, Suzuki teaches this manual white balance adjustment in col. 2, lines 37-44. The combination of these references together are used to reject the inventions of claims 1 and 6 of the instant application. Suzuki does not contradict the teaching of claim Niikawa, but instead adds a manual white balance adjustment component to the teaching of Niikawa. Therefore, the rejection is sustained.

Applicant further argues with respect to claim 12 that there is insufficient motivation to combine Suzuki with the teachings of Niikawa and Matherson.

The Examiner directs the applicant to col. 2, lines 18-27 of Suzuki. The photographer may have difficulty determining exactly the kind of fluorescent lamp being used during photography by mere visual inspection of the camera. Thus, a manual white balance feature is useful to adjust the white balance of an image. In addition to

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this stated improvement, it is also well known in the art that a manual white balance is useful for fine tuning the color of an image. Although Niikawa does not disclose a manual white balance for this purpose, the addition of Suzuki to Niikawa and Matherson teaches this feature. Thus the rejection is sustained.

Applicant further argues with respect to claim 14 that the Examiner's rejection merely recites Applicant's claim language with vague references to Niikawa.

The Examiner will attempt to clarify this rejection. Claim 14 discloses a 'manual' white balance adjustment that is broadly enough written that Niikawa's white balance adjustment operation reads on the language of claim 14. The general control 150 of Niikawa produces correction factors in the form of correction tables based on the focal length and f-number of the camera at the time of imaging. After the correction is performed, the image is stored into memory:

Claim 14 of the instant application reads: wherein in performing the manual white balance adjustment, the controller (controller 150) produces said shading correction condition and said white balance adjustment condition (shading correction and level correction tables for adjusting shading and white balance, respectively; col. 8, lines 22-25, 46-51), based on image signal data (focal length and f-number; col. 8, lines 26-29) obtained on performing the condition-finding (conditions at the time of imaging col. 8, lines 26-29), to cause so-produced conditions to be stored in a memory (image is recorded into memory 126).

Note that the rejection of this claim has not been modified, but only clarified. The rejection is sustained.

Conclusion

Any inquiry concerning this communication or earlier communications from the examiner should be directed to CHIA-WEI A. CHEN whose telephone number is (571)270-1707. The examiner can normally be reached on Monday - Friday, 7:30 - 17:00 EST.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, NgocYen Vu can be reached on (571) 272-7320. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

/Chia-Wei A Chen/
Examiner, Art Unit 2622

***/Ngoc-Yen T. VU/
Supervisory Patent Examiner, Art Unit 2622***

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